

SHOREVIEW PLANNING COMMISSION MEETING MINUTES

January 27, 2009

CALL TO ORDER

Chair Feldsien called the meeting of the January 27, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Feldsien, Commissioners Proud, Ferrington, Schumer, Solomonson and Wenner

Commissioner Mons was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to approve the January 27, 2009 agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

Chair Feldsien made the following corrections:

Page 5: Delete the word "by" in the second sentence of the second paragraph.
Page 6: Delete the word "while" in the first sentence of the last paragraph.
References to Commissioner Proud in the minutes should state Acting Chair Proud.

MOTION: by Commissioner Wenner, seconded by Commissioner Proud to approve the December 9, 2008 Planning Commission minutes as amended.

ROLL CALL: Ayes - 4 Nays - 0 Abstain - 2 (Feldsien, Schumer)

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine reported that the City Council took action on the following:

- Approval of Pawn Shop Ordinance
- Reappointment of Commissioners Feldsien, Mons and Proud to the Planning

Commission

- The Environmental Quality Committee (EQC) is sponsoring a speaker series on green community presentations. The next one will be on “Landscaping for Water Quality” on February 11, 2009, 7:00 p.m. in the Council Chambers. The program is free to the public.

NEW BUSINESS

PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO.: 2343-09-01
APPLICANT: WILLOW CREEK QUIKSTOP/MICHEL A. MALONEY
LOCATION: 5910 LEXINGTON AVENUE NORTH

City Attorney Schmidt stated that she has reviewed the notice and the public hearing is in order.

Chair Feldsien opened the public hearing.

Presentation by Senior Planner Rob Warwick

The application is to amend the existing Conditional Use Permit (CUP), which was approved in 1987, when the center was built. The CUP limits hours of the convenience store from 6:00 a.m. to 11:00 p.m. In 1996, the CUP was amended to allow a second fuel island. This current amendment requests that 24-hour fueling be available using pay-at-the-pump from the hours of 11:00 p.m. to 6:00 a.m. The applicant states that five other fuel stations in the area offer 24-hour service. By allowing pay-at-the-pump service after hours, the station will remain competitive.

The property is located in the C1 Commercial District. Fuel stations with a capacity to serve 5 to 8 vehicles simultaneously are permitted in the C1 District with a Conditional Use Permit. The criteria to be considered are compatibility with the policies of the Comprehensive Plan, compliance with the Development Code and that the use is in harmony with the Development Code.

Of the 10 fuel stations in the City, this is the only one with restrictions on hours of operation. Six other stations in the City offer pay-at-the-pump service after the convenience store closes, and one other station is open 24/7. Staff finds that the request is consistent with the policies of the Comprehensive Plan and the intent and standards of the Development Code. The land use does not conflict with nearby existing planned uses. It serves the community.

Property owners within 350 feet were notified of the application. Three comments were received in support. Two written comments were received in opposition with concerns about lighting, traffic, noise, crime and reduced property values. Staff has revised the motion to include conditions that would require: 1) Prior review by the City Council of light intensity readings at the property lines be submitted; and 2) administrative compliance review after one summer of operation.

The Ramsey County Sheriff has not identified any general problems from after hours pay-at-the-pump stations. The lighting plan is in compliance with City standards. The applicant has indicated that six of the existing fourteen canopy lights will be used after hours. Cameras are installed for security.

The Lake Johanna Fire Department requires: 1) dispensers comply with the quantity limit requirements; 2) an emergency shut-off shall be located within 100 feet, with appropriate signage; and 3) a fire extinguisher be available.

Commissioner Ferrington noted that the convenience store closes at 10:00 p.m. and asked if the hours are being changed to 11:00 p.m. Mr. Warwick explained that owner chooses to close at 10:00 p.m., but the CUP allows the station to be open until 11:00 p.m.

Commissioner Proud asked if motion lighting was considered so that lights would be on only when someone was in proximity. Mr. Warwick explained that continuous lighting is needed so that customers understand fuel is offered 24 hours.

Commissioner Proud asked the length of time videos are retained from camera surveillance. **Mr. Michael Maloney**, Applicant, stated the recording is on a DVR, which records over a period of four days. If there is an incident, that portion of the recording can be archived permanently.

Chair Feldsien opened discussion to the public.

Mr. Garret Lysiak, 5844 Hamline, stated that he does not oppose this application and, in fact, has been asking the applicant to offer 24-hour service. He has had a few complaints over the years and the owner has immediately addressed the problem. The owner hires teens to work there in the summer and has always supported local team sports. He has been a good neighbor and the Quik Stop has been an asset to the community.

MOTION: by Commissioner Schumer, seconded by Commissioner Solomonson to close the public hearing.

ROLL CALL: Ayes - 6 Nays - 0

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to recommend that the City Council approve an amendment to the Conditional Use Permit for the Shoreview Quik Stop at 5910 Lexington Avenue, subject to the following:

1. This approval amends the Conditional Use Permit for the property, as adopted by the City Council with Resolution 95-99 on March 18, 1996.
2. No exterior modifications to the existing commercial center and convenience store are approved with this amended Conditional Use Permit.

3. Any proposed permanent signage must comply with the Development Code and the approved comprehensive sign plan for the property. A sign permit shall be obtained before sign installation. Incidental signage required to comply with provisions of the Fire Code shall not exceed 2 square feet in area.
4. Hours of operation for the convenience store shall be limited to 6:00 a.m. to 11:00 p.m., except that pay at the pump fuel sales are permitted 24 hours daily.
5. During the hours of 11 p.m. and 6 a.m., only the six (6) recessed lights shall be used to illuminate the fuel islands. An electric permit is required for the new light installation. A light intensity reading shall be submitted to the City demonstrating that the new lighting fixtures comply with the standards of Chapter 206.030.
6. Unattended self-serve motor fuel-dispensing facilities shall conform to the requirements of the Fire Code, and subject to the approval of the Fire Marshall.
7. The amended CUP is subject to administrative compliance review 180-days after approval.

Discussion:

Commissioner Solomonson stated that because this station is located in a C1 Commercial District with surrounding residential areas, he finds it difficult to compare it with other fuel stations. There are other nearby stations with 24-hour service.

Commissioner Proud offered an amendment to condition No. 7 to make the CUP subject to periodic administrative compliance review to give the City more control.

City Attorney Schmidt stated in condition No. 4 the period after “daily” be changed to a comma and add, “and provided that such expanded hours of usage shall not create a nuisance to the surrounding neighborhood.” That way staff is not obligated to conduct a periodic review.

Commissioner Proud amended his amendment to the motion to add Counsel’s language to condition No. 4. Commissioner Wenner seconded the amendment.

ROLL CALL ON THE AMENDMENT

Ayes - 6

Nays - 0

Commissioner Schumer offered an amendment to the beginning of the first sentence in condition No. 5 that would state, “During the hours of pay-at-the-pump fuel sales,” Commissioner Proud seconded the amendment.

City Attorney Schmidt noted that in condition No. 4 pay-at-the-pump fuel sales are permitted 24 hours, and the amendment might be interpreted to mean that only the six lights can be on 24 hours a day.

Commissioner Ferrington suggested changing the amendment so the first sentence of condition No. 5 would read, “During the hours from store closing until 6:00 a.m.,” Commissioner

Wenner seconded the amendment.

ROLL CALL ON THE AMENDMENT

Ayes - 6

Nays - 0

Commissioner Solomonson stated that he still has concerns with the C1 District and even with the improved language he cannot support this application. He would like to see further ways to reduce noise and light pollution with headlights.

Commissioner Schumer noted that condition No. 5 requires light intensity readings to comply with City Code.

Commissioner Proud stated that he would like to be sure this fuel station is not allowed to broadcast news and weather on the fuel pumps.

ROLL CALL ON MOTION AS AMENDED

Ayes - 5

Nays - 1 (Solomonson)

MISCELLANEOUS

Commissioners Ferrington and Proud will respectively attend the February 2, 2009 and February 17, 2009 City Council meetings.

Chair Feldsien noted that the Planning Commission had a workshop prior to the regular meeting at 5:30 p.m. and met with the Environmental Quality Committee at 6:00 p.m. to discuss erosion.

It is the recommendation of the Planning Commission is Commissioner Proud for Chair and Commissioner Wenner for Vice Chair for 2009.

ADJOURNMENT

MOTION: by Commissioner Schumer , seconded by Commissioner Wenner to adjourn the January 27, 2009 Planning Commission meeting at 7:52 p.m.

ROLL CALL:

Ayes - 6

Nays - 0

ATTEST:

Kathleen Nordine
City Planner